

***United States Court of Appeals  
for the Second Circuit***



**APPENDIX**





# 74-1737

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA,

Appellee,

-against-

PHILIP TRAVERS,

Appellant.

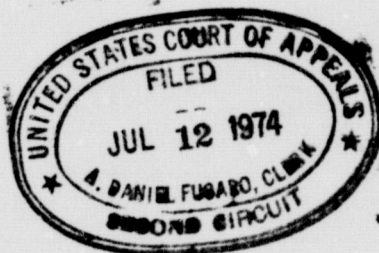
*B*  
*P/S*  
Docket No. 74-1737

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APPENDIX TO APPELLANT'S BRIEF

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ON APPEAL FROM AN ORDER  
OF THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
DENYING A PETITION FOR WRIT OF ERROR CORAM NOBIS



WILLIAM J. GALLAGHER, ESQ.,  
THE LEGAL AID SOCIETY,  
Attorney for Appellant  
FEDERAL DEFENDER SERVICES UNIT  
606 United States Court House  
Foley Square  
New York, New York 10007  
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MICHAEL YOUNG,  
Of Counsel

CRIMINAL DOCKET  
UNITED STATES DISTRICT COURT

(9)

68 CRIM. 1016

D. C. Form No. 100 Rev.

TITLE OF CASE		ATTORNEYS
THE UNITED STATES		<del>FOR DEFENDANT</del> T. 18, U.S. Code Secs.
vs.		1341 & 2 - Unlawfully, for the purpose of executing a scheme & artifice to defraud & to obtain merchandise, money & services caused to be delivered by mail certain letters, (cts. 2 to 11); & certain letters to commercial establishments which were sent <del>For Defendant</del> by Diners Club, Inc. (cts. 12 to 21) - T. 18, U.S. Code Secs. 1342 & 2- Unlawfully using & causing to be used, a false and fictitious name by means of P.O. Dept. (Ct. 22) T. 18, U.S.C. Sec. 371 - Conspiracy so to do. (Ct. 1)
1-	ALPHONSE M. CONFESSORE	
2-	JOHN KELLERMAN, a/k/a Johnny "Dot"	
3-	JOSEPH PUCCI	
4-	CHARLES RIVEZZO	
5-	PHILIP TRAVERS, a/k/a Philip Tavarizzi	
6-	JOSEPH VERGO	
		TWENTY TWO COUNTS

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed ✓	Clerk	12-9-69	RIVEZZO	5	5
J.S. 3 mailed ✓ 2, 3, 4, 5, 6	Marshal	12-9-69	US TREAS	5	5
Violation	Docket fee	12-9-69	KELLERMAN	5	5
Title		5/1/74	US TREAS	5	5
Sec.			LEGAL AND TRS		
Complt. # 48565					

DATE	PROCEEDINGS
12-20-68	Filed indictment.
1-6-69	JOSEPH VERGO- Pleads not guilty-bail continued (\$2,000) motions ret. 2-4-69
	PHILIP TRAVERS- a/k/a Philip Tavarizzi- Pleads not guilty-bail of \$2,500 on indictment 67 Cr. 922 to be rewritten to cover this indictment, Paroled until 4 P.M. today to rewrite bail- motions ret. 2-4-69
	ALPHONSE M. CONFESSORE ) Each deft. Pleads not guilty-Bails of \$5,000 on JOHN KELLERMAN a/k/a Johnny Dot) indictment 67 Cr. 922 to be rewritten to cover this indictment. Defts. paroled until 4 PM today to rewrite bails. Motions ret. 2-4-69 WEINFELD, J.
1/10/69	JOSEPH PUCCI- Pleads not guilty released on own recognition motions returned 2/1/69 METZNER, J.
1-14-69	CHARLES RIVEZZO- Pleads not guilty-bail continued (\$15,000.) motions ret. 2-4-69 METZNER, J.

(over)



DATE	PROCEEDINGS
	PHIL TRAVERS
1-23-69	/Filed affdvt. & notice of motion for a B/P & memorandum of law ret. 2-4-69
3-10-69	JOSEPH VERGO- Filed affdvt. & notice of motion for Bill of Particulars, Discovery & inspection ret. 3-18-69
3-14-69	<del>XXXXXXXXXXXXXXXXXXXX</del> Filed affdvt. of Walter M. Phillips, Jr. in opposition to deft VERGO's motion for bill of particulars, discovery & inspection etc. ret. 3-18-69
3-14-69	Filed affdvt. of Walter M. Phillips, Jr. in opposition to deft's TRAVERS motion for a bill of particulars etc.
3-18-69	ALPHONSE M. CONFESSORE-Legal Aid relieved of assignment. Abraham Solomon to confer for possible assignment. adjd to 3/21/69. WYATT, J.
3-21-69	ALPHONSE M. CONFESSORE-Filed CJA form 2 Order appointing counsel Abraham Solomon, 88 Baxter Street, New York, New York phone CO 7-3759. (mailed copy to Wash D.C.) WYATT, J.
3-25-69	JOSEPH VERGO-Bill of Particulars, <del>XXXXXXXXXXXX</del> Discovery & Inspection. Argued. DECISION RESERVED. WYATT, J.
3-25-69	PHILIP TRAVERS-Bill of Particulars, Suppress Evidence, Inspect & Copy. Argued. DECISION RESERVED. WYATT, J.
3-25-69	ALPHONSE M. CONFESSORE-Oral application to join in motion of deft Philip Travers for Bill of Particulars GRANTED. WYATT, J.
4-8-69	JOSEPH VERGO- Filed affdvt. & notice of motion for an order to suppress etc. ret. 4-8-69
4-17-69	JOSEPH VERGO-Motion filed -motion respectfully referred to the trial judge- MOTLEY, J. Memo Endorsed.
4-17-69	JOSEPH VERGO-This is a motion for deft Vergo for two types of relief, to be separately considered. Bill of Particulars The motion is GRANTED as to items 9, 11, & 12 & is otherwise DENIED. Discovery & Inspection The motions are GRANTED as to item 13 & is otherwise DENIED. Statements & confessions made in writing or by any or by electric, electronic, mechanical, photographic or other means of any words uttered by him; Statements & confessions made by movant include any writing signed by him. Donot include any analysis, interpretation, summary, impression or paraphrase made by Government agents of words uttered by movant; Statements & confessions donot include reports memoranda or internal Government documents. (Fed. Rules Crim. Proc. 16(b) except such part thereof as purport to reproduce the exact words used by the <del>3550000000</del> movant. The due diligence provision of Fed. R. Crim. P. 15(a) (1) requires the government to inquire for statements of movant from any Fed. Govt agency engaged in the investigation or preparation for trial of this matter. So Ordered 4-17-69.(See file for Memo) (mailed notice). WYATT, J.
4-17-69	PHILIP TRAVERS- Filed memo endorsed on motion filed 1-23-69-***The government agreed at argument to return everything taken from the home of Travers and not to use any of it at the trial. Accordingly, the parts of the motion 2 & 3 are DENIED as moot. The indictment has 22 counts, all defts being named in all counts. *** the motion for a bill of particulars is granted to the extent that the Government consents and is otherwise denied-so ordered- (mailed notice)(see memo in file) WYATT, J.
4-30-69	PHILIP TRAVERS et ano: Filed B/P

DATE	PROCEEDINGS
4-30-69	JOSEPH VERGO et. ano: Filed B/P
5-15-69	CHARLES RIVEZZO: Filed notice of appearance by Michael S. Fawer, 19 East 70th St. NYC 10021 - so ordered- CLERK
5-22-69	ALPHONSE M. CONFESSORE-Bench warrant Ordered. FRANKEL, J.
5-27-69	CHARLES RIVEZZO: Filed affdvt. & notice of motion re: to reduce the bail etc. ret. 5-29-69
5-23-69	ALPHONSE CONFESSORE-Bench warrant issued.
5-29-69	CHARLES RIVEZZO-Filed <del>MEMO ENDORSED MOTION</del> Memo Endorsed Motion GRANTED Bail vacated & deft released on own recognizance. So Ordered. FRANKEL, J.
5-29-69	CHARLES RIVEZZO-Filed affdvt in opposition to defts motion to reduce the bail by A.U.S.A. Walter M. Phillips.dtd 5-29-69.
5-29-69	CHARLES RIVEZZO- Motion to vacate bail granted. Deft. R.O.R. FRANKEL, J.
5-23-69	ALPHONSE CONFESSORE: Deft. appears voluntarily. Bench warrant vacated. Adj. to 6-10-69. FRANKEL, J.
6-13-69	ALPHONSE M. CONFESSORE: Filed warrant for arrest dtd. 5-23-69 & endorsed Deft. appeared in court voluntarily. Bench warrant vacted. adj'd to 6-10-69. (dtd. 5-23-69) FRANKEL, J.
8-29-69	ALL DEFTS.: Marked off trial calendar.
9-25-69	JOSEPH VERGO-Filed Memo Endorsed after hearing held in open Court on the issues raised by the within motion, the Court concludes on the facts & the law that the search questioned herein & seizure of materials thereon was in all respects reasonable & lawful & the Govt has adequately met its burden of proof by clear positive & convincing evidence that the consent was unequivocal & voluntary, Motion is in all respects DENIED. (sent notice) POLLACK, J.
10-8-69	JOSEPH PUCCI- (atty present) Deft. withdraws his plea of NOT GUILTY as to each of counts 1 to 6 incl, counts 12 to 16 incl and ct. 22 only, and now pleads GUILTY as to each of counts 1 to 6 incl, cts 12 to 16 incl and ct. 22 only, Open counts carried until the date of sentence. Pre-sentence report ordered. Probation notified. For sentence Dec. 3, 1969 at 10:30 AM. Deft. continued released on own recognizance. POLLACK, J.
10-16-69	JOSEPH VERGO-Filed Governments memorandum of Law. by A.U.S.A. Walter M. Phillips.
10-9-69	ALPHONSE M. CONFESSORE, JOHN KELLERMAN, CHARLES RIVEZZO, PHILIP TRAVERS, & JOSEPH VERGO-Trial begun before POLLACK, J. with a jury.
10-10-69	ALPHONSE CONFESSORE, JOHN KELLERMAN, CHARLES RIVEZZO, PHILIP TRAVERS, & JOSEPH VERGO-Trial continued.
10-14-69	ALPHONSE M. CONFESSORE, JOHN KELLERMAN, CHARLES RIVEZZO, PHILIP TRAVERS, & JOSEPH VERGO-Trial continued. Motion to Dismiss Count 22 only as to deft JOSEPH VERGO- GRANTED. POLLACK, J.
10-15-69	ALPHONSE M. CONFESSORE, JOHN KELLERMAN, CHARLES RIVEZZO, PHILIP TRAVERS, & JOSEPH VERGO-Trial continued & concluded. POLLACK, J.



DATE	PROCEEDINGS
10-15-69	JURY VERDICT-ALPHONSE M. CONFESSORE-GUILTY as charged on each of Counts 1 to 22 incl. Pre-sentence report ordered. Sentence adjd to 12-5-69 at 10:30 A.M. Bail increased to \$10,000. \$5,000 cash or Surety & the balance a Unsecured Personal Appearance Bond of \$5,000. Increased bail to be posted by 4 P.M. 10-16-69. Existing bail may be applied for the cash or Surety provision. Deft continued on present bail until new bail is posted. POLLACK, J.
10-15-69	JURY VERDICT-JOHN KELLERMAN-GUILTY as charged on each of Counts 1 to 22 inclusive. Pre-sentence report ordered. Sentence adjd to 12-5-69 at 10:30 A.M. Bail increased to \$10,000. \$5,000 cash or surety & the balance a Unsecured Personal Appearance Bond of \$5,000. Increased bail to be posted by 10-16-69 at 4 P.M. Existing bail may be applied to the cash or surety provision. Deft continued on present bail until new bail is posted. POLLACK, J.
10-15-69	JURY VERDICT-CHARLES RIVEZZO-GUILTY as charged on each of Counts 1 to 22 inclusive. Pre-sentence report ordered. Sentence adjd to 12-5-69 at 10:30 A.M. Bail fixed at \$15,000. \$5,000 cash or surety & the balance of a Unsecured Personal Appearance Bond of \$10,000. Bail to be posted by 4 P.M. 10-16-69. Deft continued on release on own recognizance, until bail is posted. POLLACK, J.
10-15-69	JURY VERDICT-PHILIP TRAVERS-GUILTY as charged on each of Counts 1 to 22 inclusive. Pre-sentence report ordered. Sentence adjd to 12-5-69 at 10:30 A.M. Bail increased to \$7,500. \$2,500. cash or surety & the balance a Unsecured Personal Appearance Bond of \$5,000. Increased bail to be posted by 4 P.M. 10-16-69. Existing bail may be applied to the cash or surety provision. Deft continued on present bail until new bail is posted. POLLACK, J.
10-15-69	JURY VERDICT-JOSEPH VERGO-GUILTY as charged on each of Counts 1 to 21 inclusive. Pre-sentence report ordered. Sentence adjd to 12-5-69 at 10:30 A.M. Bail increased to \$5,000. \$2,000 cash or surety & the balance a Unsecured Personal Appearance Bond of \$3,000. Increased bail to be posted by 4 P.M. 10-16-69. Existing bail may be applied to the cash or surety provision. Deft continued on present bail until new bail is posted. POLLACK, J.
10-15-69	ALL DEFENSE-Motion to set aside the Verdict & for a Judgment of Acquittal-GRANTED as to COUNT 22 ONLY. DENIED as to the remaining Counts. All other motions DENIED. POLLACK, J.
10-16-69	ALPHONSE M. CONFESSORE-Filed Unsecured Personal Recognizance Bond in the sum of \$5,000. conditions of bond are that the deft does not depart the S.D.N.Y. or the E.D.N.Y.
10-16-69	JOHN KELLERMAN-Filed Unsecured Personal Recognizance Bond in the sum of \$5,000. conditions of bond that the deft does not depart the S.D.N.Y. or the E.D.N.Y.
10-16-69	PHILIP TRAVERS-Filed Unsecured Personal Recognizance Bond in the sum of \$5,000. conditions of bond that the deft does not depart the S.D.N.Y. or the E.D.N.Y.
10-16-69	JOSEPH VERGO-Filed Unsecured Personal Recognizance Bond in the sum of \$3,000. conditions of bond that the deft does not depart the S.D.N.Y. or the E.D.N.Y.
12-5-69	PAUL F. M. C. Filed notice of appeal to the U.S.C.A. second circuit for 12-5-69 \$5.00 paid. (sent notice) \$5.00 Pd.



DATE	PROCEEDINGS
12-5-69	JOHN KELLERMAN, a/k/a Johnny "Dot" - Filed Judgment - (Atty present) - Def't sentenced to TWO(2) YEARS on each of counts 1 through 21 inclusive to run concurrently with each other at a place of confinement to be designated by the Attorney General of the U.S. Remanded. Pursuant to the provisions of Section 4208, subdivision (a)(2), the defendant shall become eligible for parole at such time as the Board of Parole may determine. Bail pending appeal is fixed in the sum of \$25,000.00 and to be posted forthwith. POLLACK, J.
12-5-69	JOHN KELLERMAN - Issued commitment and copies.
12-5-69	PHILIP TRAVERS, a/k/a Philip Tavarizzi- Filed Judgment (atty present) It is adjudged that the deft is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of TWO (2) YEARS on each of counts 1 through 21 inclusive to run concurrently with each other. Pursuant to the provisions of Section 4208, Title 18, subdivision (a)(2), the deft. shall become eligible for parole at such time as the Board of Parole may determine. Bail pending appeal fixed at \$25,000.00 to be posted forthwith subject to the filing of a notice of appeal. POLLACK, J.
12-5-69	Issued commitment & copies
12-5-69	CHARLES RIVEZZO: Filed Judgment (atty present) It is adjudged that the deft. is hereby committed to the custody of the Attorney General of his authorized representative for imprisonment for a period of TWO (2) YEARS on each of counts 1 through 21 inclusive to run concurrently with each other. Pursuant to the provisions of Section 4208, Title 18, subdivision (a)(2), the deft. shall become eligible for parole at such time as the board of Parole may determine. Bail pending appeal is fixed at \$40,000.00 and is to be posted forthwith. POLLACK, J.
12-5-69	Issued commitment & copies.
12-5-69	JOSEPH VERGO: Filed Judgment (atty present) It is adjudged that the deft is hereby committed to the custody of the Attorney General of his authorized representative for imprisonment for a period of ONE (1) YEAR on each of counts 1 through 21 inclusive to run concurrently with each other. Execution of sentence suspended. Deft. placed on probation for a period of TWO (2) YEARS, subject to the standing probation order of this Court. POLLACK, J.
<del>12-5-69</del>	
12-5-69	ALPHONSE M. CONFESSORE - (Attorney Present) - Defendant is deceased. Motion to abate action and to exonerate and discharge the bail is granted. POLLACK, J.
12-5-69	JOHN KELLERMAN-Filed notice of Appeal to the U.S.C.A. second circuit \$5.00 paid (sent notices)
12-5-69	CHARLES RIVEZZO-Filed notice of Appeal to the U.S.C.A. second circuit \$5.00 paid (sent notices)
12-11-69	ALPHONSE M. CONFESSORE- Filed CJA Voucher #4 (mailed orig. to Adm. Off. Wash. D.C.) POLLACK, J.

DATE	PROCEEDINGS
2-17-69	Filed Transcript of Record of proceedings dated October 10, 15, 9, 14, 10, 9, 14, 1969 POLLACK, J.
2-17-69	JOSEPH PUCCI: Filed Judgment (atty present) It is adjudged that the deft is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of EIGHTEEN (18) MONTHS on each of counts 1 thru 6 inclusive. Counts 12 thru 16 inclusive and count 22 to run concurrently with each other. Execution of sentence is suspended. Deft. is placed on UNSUPERVISED probation for a period of TWO (2) YEARS, subject to the standing probation order of this Court. Counts 7 thru 11 inclusive and counts 17 thru 21 inclusive are dismissed on motion of the defendant's counsel with consent of the Government. POLLACK, J.
2-17-1969	Filed Transcript of proceedings, dated 10-9-69
2-17-1969	Filed Transcript of proceedings, dated 10-10-69
2-17-1969	Filed Transcript of proceedings, dated 10-14-69
2-17-1969	Filed Transcript of proceedings, dated 10-15-69
12-22-69	JOSEPH VERZO-Docketed Notice of Appeal filed 12-5-69 from the judgment of 12-5-69. Leave to file the within notice of Appeal in forma pauperis is GRANTED. POLLACK, J. (Served U.S. Atty, sent notice to deft at F.D.H.)
2-29-69	Deft. John Kellerman, has been certified and transmitted to the U. S. C. A. for the Second Circuit this 29 day of Dec. 1969.
2-29-69	PHILIP TRAVERS - Dec. 5, 1969 Filed Commitment & ordered return, Deft. Delivered to the Detention House NYC
2-31-69	JOHN KELLERMAN: Filed consent & order that the bail limits as prescribed in deft's bail bond executed on or about Dec. 8, 1969 be and they are hereby extended to include the City of Annapolis, in the state of Maryland for the period between 1-5-70 and 2-27-70 etc. MANSFIELD, J.
2-11-70	CHARLES RIVEZZO: Filed consent & order that the bail limits as prescribed in the deft's bail bond executed on 12-5-69 is extended to include the SDNY & the Dist. of Puerto Rico etc. (mailed notice) WEINFELD, J.
2-18-70	PHILIP TRAVERS - Filed Recognizance bond with security sum of \$2,500 dtd 1/6/69 (Bishopp)
2-18-70	JOHN KELLERMAN - Filed Recognizance bond with security sum of \$5,000 dtd. 1/6/69 (Bishop)
2-18-70	ALPHONSE CONFESSORE - Filed Recognizance bond with security sum of \$10,000 dtd. 1/6/69 (Bishop)
2-6-70	JOSEPH PUCCI: Filed CJA Voucher #4 (mailed orig. to Adm. Off. Wash. D.C.) MURPHY, J. (filed in 67 Cr. 922)
2-23-70	PHILIP TRAVERS - Filed consideration asking for probation, Endorsement; The within consideration is treated as all application to reverse or reduce sentence. No legal or other basis exists for the relief requested and the Court is unable to comply with the request. The application is, in all respects, denied. So ordered (Mailed notice.) POLLACK, J.
2-25-70	CHARLES RIVEZZO - Filed appearance bond, Pub. Ser. Mut. Ins., dtd. 12-5-69 amt. \$40,000.00, U.S. Comm. Bishopp, SDNY

Cont'd on page 7



DATE	PROCEEDINGS
4-27-70	PHILIP TRAVERS- Filed letter addressed to Judge Pollack, dtd. 4-20-70 & memo. endorsed. The within communication is treated as an application for reduction of sentence. The time having expired within which consideration may be given thereto, the application is in all respects, denied. So ordered. (notice mailed by Pro-Se) POLLACK, J.
5-19-70	CHARLES RIVEZZO - Filed Order Enlarging Bail Limits, from 5-21-70 to 5-28-70, from SDNY to the East. Dist. of Illinois. Signed by Judge Croake, May 19, 1970. (notice mailed)
6-24-70	PHILIP TRAVERS- Docketed letter addressed to Judge Pollack, dtd. 5-28-70 w/ memo endorsed. The deft. Travers is represented herein by counsel and any application in respect of his sentence should be through his atty. on notice to the U.S. Atty., This application, treated as a Pro-Se motion in these circumstances, is denied. So ordered. Dtd. 6-19-70 (notice mailed by ProSe.) POLLACK, J.
8-4-70	PHILIP TRAVERS- Filed letter addressed to Judge Pollack, dtd. 8-3-70, & memo endorsed. This communication is treated as an application to reduce or modify sentence. Motion denied. So Ordered. POLLACK, J. (notice mailed by Pro-Se)
8-6-70	PHILIP TRAVERS- Filed letter addressed to Judge Pollack, dtd. 8-3-70 memo endorsed; The within is treated as an application for modification and reduction of sentence. Motion denied. So Ordered. POLLACK, J. (notice mailed by Pro-Se)
8-13-70	PHILIP TRAVERS - Filed affdvt. and notice of motion for reduction of of sentence. Ret. 8-25-70
8-13-70	PHILIP TRAVERS- Filed letter addressed to POLLACK, J. dtd. 8-10-70, & memo endorsed: This as an application for reduction of sentence lacks merit. Motion denied. (notice mailed by Pro-Se) POLLACK, J.
8-21-70	CHARLES RIVEZZO- Filed letter addressed to POLLACK, J. dtd. 8-7-70, Memo endorsed; The within treated as an application for reduction of sentence, is denied. So ordered. dtd. 8-13-70. POLLACK, J. (notice mailed by Pro-Se)
8-31-70	Filed memo endorsed on motion filed 8-13-70 for an order for a reduction of sentence "This Motion to reduce sentence is in all respects denied" POLLACK, J. (MAILED NOTICE)
8-25-70	Respectfully referred to Judge Pollack with his consent. MANSFIELD, J.
8-31-70	This motion to reduce sentence is in all respects denied. POLLACK, J.
12-21-70	Filed U.S.S.C., true copy dated 12-14-70. Order denied Certiorari.
1-7-71	Kellerman-Deft surrenders to US Marshal for service of sentence. Bail considered.
2-1-71.	John Kellerman- Filed memo. endorsed by Judge Pollack, on application for reduction of sentence. The application for reduction or modification of sentence has been considered carefully and is in all respects, DENIED. So Ordered. (notice mailed by Pro-Se)



DATE	PROCEEDINGS Pro Se
-1-71	JOHN KELLERMANN - Filed/ motion for reduction of sentence.
-4-71	J. KELLERMAN ) CHARLES RIVEZZO ) Filed judgment of the USCA-judgments of the District Court PHIL TRAVERS ) are hereby affirmed. Judgment entered 3-4-71 John Livingston, Cle JOSEPH VERGO )
-4-71.	Charles Rivezzo- Supreme Court filed true copy of U.S.C.A. dtd.2/22/71 ordered. denied.
3-15-71.	Filed affidavit, exhibits and order to show cause requesting the substitution of Abraham Solomon, Etc. and Memo. endorsed on motions "Motion to substitute abraham Solomon #88 as attorney for Charles Rivezzo. Granted. Mr. Solomon phone forthwith file #88. his notice of appearance accordingly. The motion for reduction or modification of sentence is, in all respects, denied. So Ordered. (see memo.) mailed notice) POLLACK, J.
-31-71	Filed Transcript of record of proceedings, dated 10-15-69
5-5-71	Filed memo-endorsed on back of letter from deft. John Kellermann to Judge Pollack, dated 4-29-71. The within communication is treated as an application for reduction of sentence and the same is denied in all respects." so ordered (mailed notice) POLLACK, J.
5-12-71	CHARLES RIVEZZO- Filed memo-endorsed on back of letter from deft. to Judge Pollack dated 5-1-71. "The within application for a reduction or modification of sentence is denied." so ordered. (notice mailed pro-se) POLLACK, J.
16-71	ALMONSE M. CONESSORE-Filed and entered prosequi. POLLACK, J.
6/17/71	Filed Transcript of record of proceedings, dated 3/15/71 <del>Filed Transcript of record of proceedings, dated 3/15/71</del>
8-17-71	CHARLES RIVEZZO-Filed memo-endorsed on letter dated 7-28-71. "The within are treated as applications for reduction or modification of sentence. There being no legal cause therefor, the application is denied." POLLACK, J.
8-31-71	J. HKELLERMAN-Filed memo-endorsed on letter dated 7-15-71. "The within is treated as an application for reduction or modification of sentence and the same is denied." (m/n) POLLACK, J.
2-22-71	JOHN KELLERMAN- filed memo-endorsed on application for reduction of sentence. "The within is treated as an application for reduction of or modification of sentence. Rule 35 takes from the sentencing judge the power to deal with a sentence after 120 days following imposition of sentence. The matter is therefore one for Parole Board on a proper showing. Application denied." (mailed notice pro-se) Judge Pollack
10-72	Filed Transcript of record of proceedings, dated 9-24-69
6-74	Filed P. Travers- notice of motion re: writ of error coram nobis vacating and expunging the rec'd of petitioner's conviction ret:2-14-74.
6-74	Filed P. Travers- memo of law in support of motion dtd this date.
6-74	Filed Order that the petitioner is permitted to proceed in forma apuperi without prepayment of fees, etc. Lasker, J. mn
1/74	Filed petitioner's reply memorandum.

DATE	PROCEEDINGS
5/14/74	Filed Government's memo of law in opposition to petition for writ of error coram nobis.
5/14/74	Filed memo-end. on motion dated 2/6/74. Since no adverse legal consequences are asserted herein, the necessary to ground district court jurisdiction is lacking. Petition dismissed. Pollack, J. mailed notices.
5/24/74	P. Travers- filed notice of appeal from order dtd 5/14/74. Mailed copies to Legal Aid Society. & U.S. Atty Office.
6/13/74	Filed Stipulation that the record on appeal in this action shall consist of any and all documents filed on or after 2/6/74, the date upon which the petition for writ of error coram nobis was filed.



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PHILIP TRAVERS,

Petitioner,

-v.-

UNITED STATES OF AMERICA

Respondent.

PETITION FOR WRIT OF ERROR

CORAM NOBIS

WILLIAM J. GALLAGHER, ESQ.,  
THE LEGAL AID SOCIETY,  
Attorney for Petitioner

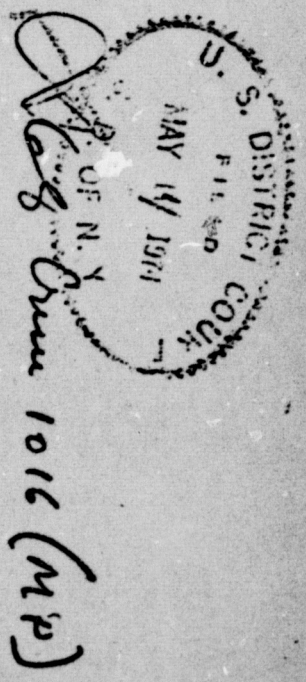
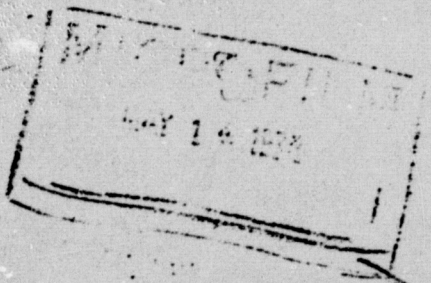
Office and Post Office Address, Telephone  
FEDERAL DEFENDER SERVICES UNIT  
606 United States Court House  
Foley Square  
New York, New York 10007  
HMM (212) 732-2971

Attorney(s) for

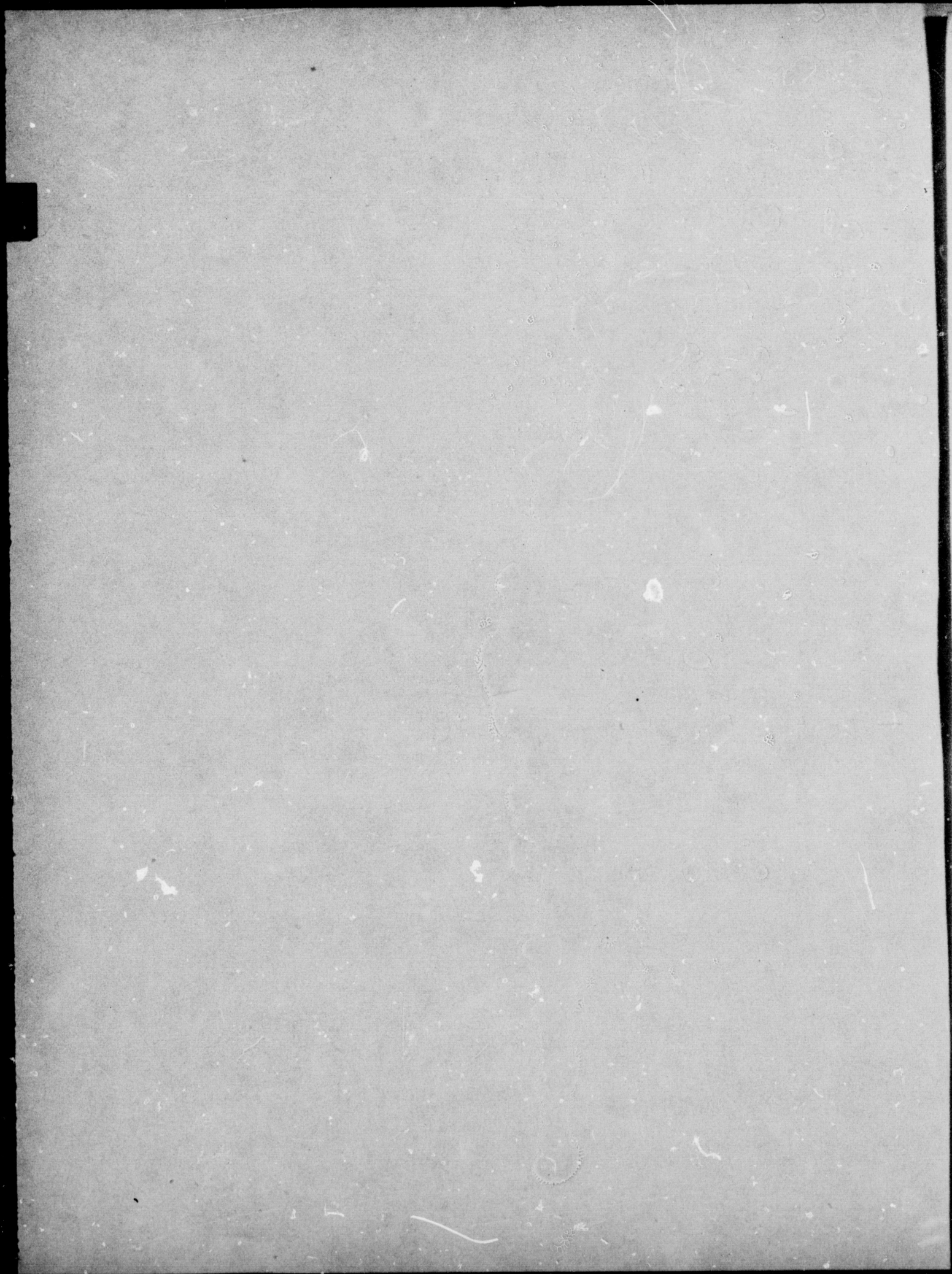
Service of a copy of the within

Dated

is hereby admitted.



Since no adverse legal consequences  
are asserted having the necessary to  
show a distinct and present  
to each of the 45 v. National Association of  
the 3687, 24845, 8446 (24 in 1966) (you can see)  
petition dismissed.  
So Ordered  
May 13, 1974  
Museum Beach  
H.S.D.J.





# United States Court of Appeals

FOR THE  
SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse in the City of New York, on the sixth day of May one thousand nine hundred and seventy-four.

Present: HON. IRVING R. KAUFMAN  
Chief Judge  
HON. J. EDWARD LUMBARD  
HON. WILLIAM H. TIMBERS

Circuit Judges,

United States of America,

Plaintiff-Appellee,

v.

Leon Osher,

Defendant-Appellant.

73-1929

Appeal from the United States District Court for the Southern District of New York.

This cause came on to be heard on the transcript of record from the United States District Court for the Southern District of New York, and was argued by counsel taken on submission.

ON CONSIDERATION WHEREOF, it is now hereby ordered, adjudged, and decreed that the judgment of said District Court be and it hereby is reversed in light of United States v. Maze, 414 U.S. \_\_\_\_ (1974).

*Irving R. Kaufman*  
U.S. Chief Judge  
*J. Edward Lumbard*  
Circuit Judge  
*William H. Timbers*  
Circuit Judge





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